

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU INVESTMENTS, LLC D/B/A	§	
BRAZOS LICENSING AND	§	CIVIL ACTION 6:20-cv-00980-ADA
DEVELOPMENT,	§	CIVIL ACTION 6:20-cv-00981-ADA
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	
CANON INC. and CANON U.S.A.,	§	
INC.,	§	
<i>Defendants.</i>	§	

JOINT STIPULATION CONCERNING SECOND AMENDED COMPLAINTS

Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development (“WSOU”) and Defendants Canon Inc. and Canon U.S.A., Inc. (“Canon”) (collectively, the “Parties”), hereby stipulate through their respective counsel of record as follows:

WHEREAS, on October 12, 2021, WSOU filed Second Amended Complaints against Canon, which include claims for indirect infringement (6:20-cv-00980, Dkt. 70; 6:20-cv-00981, Dkt. 56);

WHEREAS, WSOU agrees to withdraw its indirect infringement claims as pleaded in its Second Amended Complaints without prejudice;

WHEREAS, Canon agrees not to move to dismiss the Second Amended Complaints on the grounds that they contain claims for indirect infringement;

WHEREAS, the Parties agree that this stipulation does not impede WSOU’s ability to re-plead and re-allege claims for indirect infringement (including, but not limited to, *e.g.*, based on facts learned during discovery that support WSOU’s indirect infringement claims); and

WHEREAS, the Parties agree that this stipulation does not impede Canon's ability to seek a motion to dismiss or transfer under Federal Rule of Civil Procedure 12(b)(3) and 28 U.S.C. Section 1406(a) or a motion to transfer under 28 U.S.C. Section 1404(a).

THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between WSOU and Canon through their respective undersigned counsel that:

- WSOU's indirect infringement claims as pleaded in its Second Amended Complaints (6:20-cv-00980, Dkt. 70; 6:20-cv-00981, Dkt. 56) are withdrawn without prejudice;
- Canon will not move to dismiss the Second Amended Complaints on the grounds that they contain claims for indirect infringement;
- WSOU may re-plead and re-allege claims for indirect infringement (including, but not limited to, *e.g.*, based on facts learned during discovery that support WSOU's indirect infringement claims); and
- Canon may move to dismiss or transfer under Federal Rule of Civil Procedure 12(b)(3) and 28 U.S.C. Section 1406(a) or a motion to transfer under 28 U.S.C. Section 1404(a).

IT IS SO STIPULATED.

Date: October 22, 2021

Respectfully submitted,

/s/ Mark D. Siegmund

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Date: October 22, 2021

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANT
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I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this filing via the Court's CM/ECF system per Local Rule CV-5(a) on October 22, 2021.

/s/ Mark D. Siegmund

Mark D. Siegmund